

CITY OF MANCHESTER
PLANNING AND ZONING COMMISSION
MEETING MINUTES
MONDAY, MARCH 14, 2011

<u>COMMISSIONERS</u>	<u>CITY OFFICIALS AND OTHERS</u>
Dave Willson, Mayor Jason Truesdell, Chairman (Term to 2014) James Labit, Secretary (Term to 2012) Debbie Mizerany (Term to 2012) Tom Brown (Term to 2013) Jack Fluchel (Term to 2014)	Mike Clement, Alderman, Ex-Officio member Franz Krintz, Planning and Zoning Director Cynthia Holten, Recording Secretary

<u>CASES</u>	<u>REPRESENTATIVES OF CASES</u>
<u>#11-SUP-002</u> A Special Use Permit is being sought by Joseph Summers of Summers Blooms dba Chalily Ponds and Gardens to occupy the vacant establishment at 14430 Manchester Road as a place to operate a nursery/greenhouse. The property is zoned C-1 Commercial with Historic Overlay.	<ul style="list-style-type: none">Joseph Summers Summers Blooms dba Chalily Ponds and Gardens 7810 Weil Avenue Shrewsbury, MO 63119 314 494 9798

1. CALL TO ORDER

Commissioner Truesdell called the Planning and Zoning meeting of March 14, 2011 to order at 7:00 p.m.

2. ROLL CALL

Commissioner Truesdell asked the Recording Secretary to take roll.

Commissioner Debbie Mizerany	Present		
Commissioner Jack Fluchel	Present	Mayor David Willson	Present
Commissioner James Labit, Secretary	Present	Alderman Mike Clement	Present
Commissioner Tom Brown	Present	Director Franz Krintz	Present
Commissioner Jason Truesdell, Chairman	Present	Cynthia Holten, Recording Secy	Present

3. APPROVAL OF MINUTES

Commissioner Brown made the motion to approve the minutes of February 28, 2011. Motion seconded by Commissioner Fluchel; motion approved by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
6	0	0	0

4. **APPROVAL OF AGENDA**

Commissioner Truesdell asked if there were any changes to the agenda. Commissioner Labit made the motion to approve the agenda as presented. Commissioner Mizerany seconded; motion approved by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
6	0	0	0

5. **OLD BUSINESS**

There is no Old Business.

6. **NEW BUSINESS**

- A. **CASE #11-SUP-002** – A Special Use Permit is being sought by Joseph Summers of Summers Blooms dba Chalily Ponds and Gardens to occupy the vacant establishment at 14430 Manchester Road as a place to operate a nursery/greenhouse. The property is zoned C-1 Commercial with Historic Overlay.

Mr. Summers, of Summers Blooms, said he plans to open a small garden center specializing in aquatics. His passion for the last twenty years has been backyard ponds, water features, and fountains. He is now ready to go into the retail side of the business. He chose the name “Chalily” because it is a combination of his children’s names, Chas and Lily and to emphasize this as a family operation. He said he and his family will operate the store themselves and hope they will grow enough to hire additional staff. He said he wants to share his passion for water lilies, water features and koi with the community.

Director of Planning and Zoning Kraintz said this type of operation is allowed in the C-1 Commercial District by Special Use Permit (SUP). As with all SUPs, the Commission is entitled to apply any condition as they see appropriate to allow this operation.

Director Kraintz said he was concerned about the limited parking and traffic circulation posed by a location at Louis Street and Manchester Road. He also voiced concern over the space capacity for the aquatic plants and ponds required for the business fearing they would outgrow it in a short amount of time. While he liked the design of the renderings, he felt it would not be able to look like this year round and asked Mr. Summers for more details.

Mr. Summers said the location has nine striped parking spots, of which they’ll be using eight. The property is leased by the Duenke Cabinet Company. He said should additional parking become necessary, he may be able to negotiate with Duenke for additional parking available in the rear of the property. He said since it is a corner lot there is great exposure. He also said that he has driven past the location several times and studied the traffic patterns and believed the traffic can circle back on Henry and use that existing traffic light.

Director Kraintz said by its very nature, nurseries are busiest on Saturday and asked Mr. Summers if this would be true for his aquatic business. Mr. Summers said since it is a specialty business selling water features, it probably won’t draw the same amount of customers as a nursery would. However, as the front of the property is designed with water features, plants and fish, it will be very attractive and will hopefully entice potential customers. He said that he doubted that they would be overwhelmed with customers. He said it has been his experience that Saturday and Monday are the two busiest days for his particular store. He said it is a project people start on Saturday, work on it on Sunday, and come back on Monday for things they need for the completion of the project.

Director Kraintz said this aquatic business will require ponds, pools, and pumps and asked if there would be outdoor storage of this equipment. Mr. Summers said there won't be equipment per se, but there will be plant material that will require an outdoor area and any equipment we have will be in use and not necessarily for sale. Storage for any hard goods will be inside the shed on the property.

Commissioner Mizerany commented that it was a very beautiful design and will take time to mature to that, but is looking forward to seeing it. She asked if there was a storage trailer in the rear of the building. Mr. Summer said the trailer has been there for the last two months and added there are multiple trailers on the site. He said he would like to erect some sort of decorative fencing to hide these and to enhance the site.

Commissioner Mizerany asked if the hours would be much like a typical nursery would be. Mr. Summers said to alleviate the busier schedules, they would stay with 7:00 during the busy seasons and cut back hours in the winter.

Commissioner Mizerany asked if there would be working displays with water in the rear. Mr. Summers said that by nature the aquatic plants will need to be in water at all times, but 90% of all aquatic plants need no more than two inches of water. The other plants, like lilies will require a little deeper water of about sixteen inches or so.

Commissioner Mizerany asked how Mr. Summers intends to secure his displays if the entire property is not enclosed. Mr. Summers said the water feature proposed in the front would be the deepest at 24 inches, but the design would include stair steps on the sides so one can easily climb out of the pond, eliminating the safety concern. The displays in the back are very shallow and do not pose a safety issue. He agreed that with the property being open there is the concern of potential theft, however, he will have security cameras installed but asked if he should be concerned about theft in this Manchester neighborhood. If he should, he will need to include the cost of fencing and other security measures in his budget.

Commissioner Mizerany asked Director Kraintz if a fence could be approved should there be a need. Director Kraintz said the Commission could make that a stipulation; however, staff could approve a fence if necessary. He addressed Mr. Summer's concern about theft and said the City would like to say there is no crime, but cautioned there can be a lot of traffic in the area after hours and suggested that Mr. Summers consider some sort of containment or security measure for his products. Mr. Summers said the last thing he would probably do would be to install a privacy fence since he doesn't want to block his business from drive- by traffic but he'll figure out something.

Director Kraintz added that since the location is within the Historic District, an architectural review of any fence by the Historic Review Commission will be necessary.

Commissioner Fluchel commented that it looks very nice and asked if Mr. Summers would be using the garage in the rear of the property. Mr. Summers said the property owner is currently using it, but will be clearing it out for his use. He added one possible source of income would be to sell fish and we may use this as a storage area for fish. Commissioner Fluchel asked if there would be both pond and aquarium plants. Mr. Summers said that both types of plants can be used interchangeably, but he will be concentrating on pond plants only and added that he doesn't want to compete with PetSmart or other big box stores that sell aquarium plants. He said he also has an interest in birding and would focus on some bird garden plants as well, but there wouldn't be any vegetable garden plants or shrubbery other than possibly decorative shrubs. When asked when he would open, Mr. Summers answered that as soon as he's granted the permit. He added that the inclement weather has allowed him a little time to prepare and is hoping it continues for a few more weeks.

Commissioner Labit commented that the design picture certainly makes this look very inviting and asked if this is the type of service Mr. Summers would be offering. Mr. Summers said by trade he's a horticulturist and has been a plant nerd his entire adult life. He said he's worked at the Missouri Botanical Garden for a number of years, did wholesale and retail sales in the pond industry, and volunteers for the Water Garden Society. Another member does these types of drawings of the customer's lot and then does the design. Mr. Summers said he will not be doing any installs or

maintenance but will help customers choose the plants and water features and provide the necessary contacts. He said if someone wants to do their own pond then Chalily is the place to come to.

Commissioner Brown asked if the trailers belonged to Duenke Cabinets. Mr. Summers said he wasn't certain. But, since he is his landlord, he wants access to the one shown in the photo. Commissioner Brown concluded by saying this will be a great enhancement to Manchester.

Mayor Willson said it looks like a neat plan and welcomed the Summers to Manchester.

Alderman Clement asked if Mr. Summers had any other businesses. Mr. Summers said he currently is vice president of a company that manufactures water garden equipment, but will be leaving that post on Wednesday but still consult with them part time. He intends to operate Chalily full time. He said Summers Blooms was started about eleven years ago doing pond maintenance and registered with the state when he was with the Botanical Garden. He said no longer does maintenance work, but has kept the name even though it is no longer operational.

Alderman Clement commented that Chalily looks like a perfect fit for our downtown area and is eager to see it operational. He said his only concern is the need for lighting for security reasons, although he hopes that is not an issue. Mr. Summers said there is a large street light near the garage in the rear of the property and felt that would be sufficient for the time being.

Alderman Clement said assuming this Commission favorably recommends this Special Use Permit, it will be scheduled for the next Board meeting and he would advocate for emergency legislation so that Mr. Summers can move forward with Chalily.

Commissioner Truesdell commented the plans look like a really classy place for Manchester and feels it will do a lot to bring in traffic from outside of Manchester as well. Specialty shops of this nature drive traffic here which is always a good thing. Commissioner Truesdell asked Mr. Summers several questions about the business. Mr. Summers confirmed that since he won't be doing any installations, there would not be any need for heavy equipment. The fish he plans to sell will be housed in the detached garage in the rear of the property and assured the Commission that there would not be an order problem. He said the perishables such as plants and fish will be properly prepared and placed in the dumpster. He then described the size, diet, and management of the fish he will be selling. Mr. Summers said water features can range from desktop to lake size and detailed some of the projects he has been involved in. He said he would also be selling water treatment chemicals in small packages, within the EPA regulations and safe enough for children and animals. He said it is always the goal to keep these water features as natural as possible.

Commissioner Mizerany made the motion to favorably recommend CASE #11-SUP-002 to the Board of Aldermen. Commissioner Labit seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
6	0	0	0

7. PLANNING AND ZONING DIRECTOR'S REPORT

Planning and Zoning Director Krintz said he is busily working on the Great Streets Plan presentation for the next Commission meeting. He said the Memorandum of Understanding (MOU) was supposed to be a formal statement of commitment, but because there were so many issues and concerns, it was eliminated from the plan during the last Great Streets meeting. In hindsight, the intergovernmental agreement that was passed a few years ago did exactly the same thing. This is not saying that the provisos of the MOU will not surface later as the communities get closer to creating some sort of organization that covers the five cities. But for now the terms of the intergovernmental agreement were enough for all communities to agree that that was the commitment they were looking for. City attorney, Pat Gunn, has reviewed the intergovernmental agreement again and concluded it was very flexible. While he won't be giving an opinion on the MOU, there will be one on the intergovernmental agreement. Director Krintz said that

Attorney Gunn will be at the next meeting, Mayor Pirello from Ellisville, who has been a staunch supporter said he would be willing to attend, but he felt it wasn't necessary to invite a representative from East-West Gateway. He thought just staff and Attorney Gunn would be sufficient and the Commission agreed.

8. EX-OFFICIO'S REPORT

Alderman Clement said since most everyone on this Commission was at the last Board meeting, it wasn't necessary to make any comments. He announced the next Board meeting was scheduled for March 21, 2011.

9. COMMENTS FROM THE PLANNING AND ZONING COMMISSION

Commissioner Mizerany as well as the other Commissioners thanked staff for another successful annual appreciation dinner.

Commissioner Labit suggested that the City Zoning maps be available for the next meeting. He said he sees two parts of the plan which consist of the road piece by the right of way and the behind the road piece. He is interested in the whole length of the right of way of the City and how much manipulation might be needed for significant change or upgrade, which would affect the taxing idea. And the area behind all that would be the city zoning and planning development aspect.

Director Kraintz said the recommendations for that segment of the corridor are very minimal in terms of any drastic action and didn't think the boundaries of the right of way would change measurably in any way. The buildings are all too close to the road and MODOT has stated they have no intention of purchasing this area. Commissioner Labit said that was his point. At the last Board meeting he heard one of the aldermen who was vehemently against eminent domain proposing the use of eminent domain for easement creation and the like, so he thought that might be a candidate along Manchester Road. Director Kraintz said the details needed for that type of exercise are not going to be in this plan. These details would require an engineering study and gave an example of the south side versus north side of Manchester should it be desired to widen sidewalks and have pavers and have decorative street lighting.

Chairman Truesdell brought up the signage issues at Firestone and Dobbs. Apparently, these moving signs, which are not allowed, are erected on the weekends. Director Kraintz said he would alert the weekend officers to this problem.

Commissioner Brown said Ultimate Electronics by Dierbergs has someone wearing a huge "Going Out of Business" sign who parades up and down Manchester. Commissioner Brown was told by the sign bearer that he was given a letter by the Missouri Attorney General allowing them to do this which he disbelieved.

Mayor Willson said several staff had attended the ribbon cutting ceremony for Contemporary Vision located at the Highlands and the owners there were impressed by such a strong showing of city support. The formal Grand Opening will be scheduled soon.

10. ADJOURNMENT

Mayor Willson made the motion to adjourn the Planning and Zoning Commission meeting of March 14, 2011, at 7:42 p.m. Motion seconded by Commissioner Brown; motion approved by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
6	0	0	0

Respectfully submitted by Cynthia M. Holten, Recording Secretary

#